

**Antarctic and  
Southern Ocean  
Coalition**



**CCAMLR XXV**

(23 OCTOBER – 3 NOVEMBER, 2006)

HOBART, AUSTRALIA



**MEETING REPORT**

December 2006

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## **I. SUMMARY**

The Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) held its XXV Meeting at the Secretariat Headquarters in Hobart (Australia), from October 23 to November 3, 2006.

ASOC has observer status and attends CCAMLR meetings every year. ASOC participates in the discussions of the Scientific Committee and the Standing Committee on Implementation and Compliance (SCIC), which meet simultaneously during the first week, and also attends the Commission plenary meeting on the second week. The Scientific Committee and SCIC are both subsidiary bodies of the Commission and put forward recommendations for the Commission to take the relevant decisions for the conservation and rational use of the marine living resources of the Southern Ocean.

ASOC priorities for CCAMLR XXV covered issues such as IUU fishing for toothfish in the CCAMLR Area, the ecosystem management of Antarctic krill, the development of Marine Protected Areas and action against noise pollution. ASOC submitted a number of papers developing ideas, proposals and recommendations related to the priority issues identified (see subsection III). ASOC papers were very well taken by CCAMLR delegates and proved to be a very useful tool to stimulate discussion between CCAMLR Members, and to facilitate advocacy by ASOC representatives before and during the meeting.

Since last year, ASOC members have developed new projects and initiatives for Antarctic conservation, such as the Antarctic Krill Conservation Project (funded and coordinated by The Pew Charitable Trusts and involving other groups such as the National Environmental Trust) and WWF's new Antarctic and Southern Ocean Initiative (ASOI). These new initiatives have enabled ASOC members to have a stronger presence in CCAMLR this year and also to engage more actively with CCAMLR scientists and delegates to promote CCAMLR work towards the conservation of Southern Ocean resources.

During CCAMLR XXV, the Antarctic Krill Conservation Project hosted a special lunch event to present its policy objectives, and WWF-ASOI run a lunch presentation of the outcome of the Experts Workshop on Bioregionalisation of the Southern Ocean that took place in early September in Hobart.

CCAMLR XXV made good progress on a variety of relevant issues, although decision-making is still slow to face the increasing challenges posed by fishing activities in the Southern Ocean, mainly the continued plunder of toothfish stocks by IUU operators, and the expansion of krill fishing.

The estimated IUU catch for toothfish in the CCAMLR Area increased in the season 2005/06 by 50% overall, and most dramatically in high seas areas of the Indian Ocean. IUU operators are moving to the high seas as a result of enhanced enforcement by CCAMLR Members in waters that are within national jurisdiction. CCAMLR needs now to find ways to close the loopholes that allow IUU fishers to access international ports and markets. Some Members, including Australia and the European Community, did put forward innovative proposals addressing issues such as action against flag States and trade measures. It is disappointing that the Commission was unable to reach consensus on many of these proposals, although some real progress was made in the area of port state controls and actions against nationals. The listing of Contracting Party IUU vessels proved again to be a problem, undermining CCAMLR credibility and the Commission's capacity of setting the Antarctic conservation agenda.

CCAMLR successfully reacted to new challenges related to fishing such as shark exploitation or the use of gillnets, and has taken adequate action to limit the expansion of bottom trawling in the CCAMLR

Area. However, the Commission remains slow in acting on other issues that are central to CCAMLR objectives, such as krill management. The regulation of the Antarctic krill fishery, which is central to the Antarctic marine food web, remains insufficient in spite of clear signs of expansion, including the deployment of Flags of Convenience super trawlers to exploit this resource. Some progress was made in requiring CCAMLR Members to notify in advance their intention to fish for krill in the CCAMLR Area, but this fishery still lacks sufficient scientific observer coverage, a vital element for providing scientific advice.

ASOC is encouraged by CCAMLR's incipient progress towards better consideration of conservation objectives beyond regulation of fishing activities, being MPAs or noise pollution notable examples. CCAMLR seems to be moving in the right direction but there is a need to speed up these processes for effective outcomes. In addition, further consideration should be given to global issues with strong implication for Antarctic conservation, such as climate change.

## II. LIST OF ASOC PARTICIPANTS

### NATIONAL DELEGATIONS

- **Elsa Cabrera** (Antarctic Krill Conservation Project) NGO representative *Chilean* delegation (weeks 1 & 2)
- **Alistair Graham** (Tasmanian Conservation Trust) NGO representative *Australian* delegation (weeks 1 & 2)
- **Indrani Lutchman** (WWF & Institute for European Environmental Policy) NGO representative *UK* delegation (weeks 1 & 2)
- **Gennadi Milinevsky** (Antarctic Krill Conservation Project) NGO representative *Ukraine* delegation (weeks 1 & 2)
- **Deon Nel** (WWF Southern Africa) NGO representative *South African* delegation (week 2)
- **Mark Stevens** (National Environmental Trust) NGO representative *US* delegation (weeks 1 & 2)
- **Estelle Van der Merwe** (ASOC Southern Africa) NGO representative *South African* delegation (weeks 1 & 2)
- **Nathan Walker** (WWF) NGO representative *New Zealand* delegation (weeks 1 & 2)

### ASOC DELEGATION

- **Gunnar Album** (Antarctic Krill Conservation Project) (week 2)
- **Clifton Curtis** (Antarctic Krill Conservation Project) (weeks 1 & 2)
- **Adriana Fabra** (Antarctic Krill Conservation Project) (weeks 1 & 2)
- **Virginia Gascón** (Antarctic Krill Conservation Project) (weeks 1 & 2)
- **Dr. Alan Hemmings** (ASOC Senior Adviser, Canberra, Australia) (week 2)
- **Gilly Llewellyn** (WWF Australia) (week 2)
- **Margaret Moore** (WWF, Melbourne, Australia) (week 2)
- **Sian Prior** (WWF Antarctic and Southern Ocean Initiative) (week 2)
- **Dr Rodolfo Werner** (Antarctic Krill Conservation Project), ASOC Head of Delegation (weeks 1 & 2)
- **Vassily Spiridonov** (Antarctic Krill Conservation Project) (weeks 1 & 2)

**ASOC REPORT PREPARATION**

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### III. ASOC Papers

The following papers were submitted to the CCAMLR XXV meeting:

1. *ECOSYSTEM MANAGEMENT OF ANTARCTIC KRILL IN THE SOUTH ATLANTIC: UNCERTAINTIES AND PRIORITIES (CCAMLR-XXV/BG/26). Leading authors: V. Gascón & R. Werner*
2. *IMPROVING MONITORING AND CONTROL OF THE KRILL FISHERY (CCAMLR-XXV/BG/27): Leading author: V. Gascón*
3. *MEASURES TO PREVENT AND DETER ILLEGAL, UNREPORTED, AND UNREGULATED FISHING (CCAMLR-XXV/BG/28): Leading authors: M. Stevens, V. Gascón & R. Werner*
4. *THE USE OF PORT STATE MEASURES TO IMPROVE FISHERIES COMPLIANCE AT THE INTERNATIONAL LEVEL – ISSUES AND INSTRUMENTS – THE CCAMLR CASE (CCAMLR-XXV/BG/29). Leading authors: A. Fabra & V. Gascón.*
5. *ACHIEVING A NETWORK OF MARINE PROTECTED AREAS IN THE CCAMLR AREA (CCAMLR-XXV/BG/30). Leading authors: S. Prior, A. Hemmings, V. Gascón & R. Werner.*
6. *CURRENT NOISE POLLUTION ISSUES (CCAMLR-XXV/BG/31). Leading authors: S. Dolman & J. Barnes.*

## IV. ISSUES

The main developments and outcomes of CCAMLR XXV on ASOC's policy priorities and other important issues are as follows:

### 1. Toothfish catches and estimates of IUU fishing

Removals of *Dissostichus* (tonnes) in season 2005/06:

Season	CCAMLR legal catch	CCAMLR IUU catch	EEZs outside CCAMLR	High seas outside CCAMLR (IUU)(b)	Total
2003/04	15,877	2,622	9,763	6,043	34,305
2004/05	16,250	2,076	9,024	3,823	31,168
2005/06	13,704 (a)	3,080	5,443	2,605	24,832

(a) Reported catches as of 5 October 2006.

(b) CDS-reported catches from outside the Convention Area. ASOC considers these catches as unregulated, and part of IUU fishing, as there is no guarantee that the flag State exerts appropriate control over its vessels, and mainly because there are no catch limits in place for these areas that ensure sustainability.

The estimated IUU catch of toothfish increased in the season 2005/06 by 50% overall, and most dramatically in Divisions 58.4.3 (a) and (b) which accounted for more than half the IUU total. This was called a "phenomenal increase in IUU fishing" by the UK. Australia believes that there are no resident fish left in this area and that the IUU vessels are catching migrating fish, which has implications for the Heard and MacDonald EEZs. The vessels are flagged to non CCAMLR Members but have crew from Contracting Parties. Also, there is evidence of increased transshipment at sea to avoid inspection, and increased use of gillnetting outside the Heard and MacDonald EEZs. The UK called for the Commission to move as soon as possible on intersessional work to address transshipment.

**OUTCOME:** IUU fishing for toothfish continues to increase, now in high seas areas within the CCAMLR Area.

### 2. Measures against IUU fishing

CCAMLR has significant instruments in place to fight IUU fishing, but they are proving not to be sufficiently effective to prevent such activities. As indicated above, estimates for IUU catches of toothfish in the CCAMLR Area increased in the 2005/06 season, after having decreased in the previous period. Recent information indicates that IUU vessels have moved from EEZs to the high seas where they can avoid detection and arrest. Moreover, unregulated fisheries for Southern Bluefin Tuna (SBT) and sharks have developed in the CCAMLR Area without CCAMLR knowledge or authorization (see subsections 6.1 and 6.3 below).

ASOC submitted at CCAMLR XXV a background paper on **“Measures to prevent and deter illegal, unregulated and unreported fishing” (CCAMLR-XXV/BG/28)**, which called for additional measures and improved implementation to address this situation. Some of the key instruments included in this paper, such as vessel lists and port State measures, occupied an important portion of debates among CCAMLR Members. Some new IUU-related proposals were also put forward by CCAMLR Members.

## 2.1 IUU Vessel List

Conservation Measures 10-06 and 10-07, adopted by CCAMLR in 2001, instruct the Commission to identify, at each annual meeting, those vessels that have engaged in IUU fishing activities in the Convention Area. These are the vessels to be included in the “Contracting Party IUU Vessel List” (CM 10-06) and the “non-Contracting Party IUU Vessel List” (CM 10-07), adopted yearly by the Commission.

In 2005, CCAMLR XXIV agreed to combine the IUU Vessel Lists adopted in 2003, 2004 and 2005. It was also agreed to include the ownership history of the vessels.<sup>1</sup> The adoption of Contracting Parties IUU vessels lists has been controversial since CCAMLR established this mechanism,<sup>2</sup> and problems arouse again at CCAMLR XXV, with a particularly disappointing outcome. In spite of conclusive evidence put forward in relation to the vessel *Volna* (Russia), no consensus was reached on the inclusion of this vessel in the list. Independently of the final outcome of this issue, discussions over a single vessel took a substantial amount of time of the Standing Committee on Implementation and Compliance (SCIC) and the Commission, creating a confrontational atmosphere which is contrary to the cooperation spirit of CCAMLR, as integral part of the Antarctic Treaty System. These discussions turn the CCAMLR meetings into a quasi-judicial procedure where a Member can be judge and party at the same time, undermining CCAMLR's capacity to address other important issues for the conservation of the marine Antarctic environment.

A lengthy discussion was initiated by the European Community with regard to possible improvements to the decision-making process for the listing of IUU vessels. Especially, with regard to the consensus principle, the question was raised about the moral justification of a Contracting Party being able to block a vessel flagged to it for placement on the IUU Vessel List in spite of conclusive evidence. In this context, it was proposed that a Contracting Party with a vessel on the provisional list should voluntarily leave the meeting at the time of decision-making on the vessel, a practice followed by some RFMOs. This would allow the meeting to decide on the inclusion of the vessel into the list without the possibility of the interested party to block it. Several delegates stated that this procedural flaw is of importance to the credibility of CCAMLR since, as things are standing right now, one single Contracting Party can undermine the application of a Conservation Measure.

Unfortunately, other delegations insisted that the principle of consensus was fundamental to CCAMLR and the Antarctic Treaty System over all other considerations. This precluded any solution to the problem that CCAMLR is facing.

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<sup>1</sup> See the combined IUU vessel list for 2003, 2004 and 2005 in the Appendix to this report – prepared by the CCAMLR Secretariat.

<sup>2</sup> See ASOC Report of CCAMLR XXIII.

**The Provisional List of Contracting Party Vessels for 2006 (CM10-06) discussed by SCIC included the following vessels:**

Current Name	Current Flag	Lloyds/IMO Number	Call Sign	Previous Name(s) if known	Previous Flags	Nature of Activity	Date(s) of Incident	Ownership History (last reported is underlined)	Flag State Comments
<i>Volna</i>	Russia	9262833	UEEH	<i>Isabel</i>	Bolivia	Unlicensed fishing and dumping of by-catch, Subarea 88.2A	01 Feb 2006	-Sun Hope Investments  - <u>LLC Laguna</u>	Comm. Circs 06/51 and 06/77 from Russia
<i>West Ocean</i>	People's Republic of China	9230646	BZTX8	1. <i>Darwin</i> 2. <i>Darvin-I</i> 3. <i>Kiev</i>	1. Bolivia 2. Russia 3. Georgia	Fishing inside Division 58.4.1	09 Dec 2005  21 Feb 2006	-Sun Hope Investments -Pacific Andes Enterprises -Profit Peak - <u>China National Fisheries Corporation</u>	From People's Republic of China

**Volna:** The Standing Committee was not allowed to adopt the Provisional List of Contracting Party Vessels, since Russia blocked the consensus on the grounds that the size of the violation of the *Volna* did not deserve a punishment as harsh as to be placed on the CCAMLR IUU Vessel List. Russia also insisted that the procedure of consensus was fundamental and it was supported on this point by Argentina and Uruguay. The issue was therefore referred to the Commission for its consideration.

During the Commission week, the discussion on the *Volna* took a considerable amount of time over several days with various positions stated by Russia, UK, New Zealand and others. In spite of clear evidence that the *Volna* had violated CCAMLR rules and qualified to be included in the list, CCAMLR was unable to place this vessel on the IUU Vessel List for Contracting Parties due to the pre-eminence of the consensus rule.

**West Ocean:** Placed on the list of IUU Vessels for Contracting Parties (CM 10-06). The People's Republic of China advised that this vessel was involved in IUU fishing prior to the People's Republic of China becoming a Contracting Party on the 19<sup>th</sup> of October 2006. China also stated that an effort will be made to implement CCAMLR Conservation Measures and that serious fines would be imposed to this vessel if she ever fishes in the Convention Area again.

**The Provisional List of Non-Contracting Party Vessels for 2006 (CM10-07) discussed by SCIC included the following vessels:**

Current Name	Current Flag	Previous Name(s) if known	Previous Flags	Nature of Activity	Flag State Comments
<i>Comet</i> – originally incl. as <i>Odin</i>	Togo	1. <i>Esperance, Anyo</i> 2. <i>Anyo Maru No23</i> 3. <i>Idebaran I</i> 4. <i>Odin</i>	1. France 2. Japan 3. France 4. Cambodia	Fishing inside Division 58.4.3b	Not received
<i>Perseverance</i>	Equatorial Guinea	<i>Mila</i>	UK	Sighted inside Division 58.4.3b	Not received
<i>Seed Leaf</i>	Panama	<i>n/a</i>	<i>n/a</i>	Undocumented transshipment, Korea	Not received
<i>Tropic</i>	Equatorial Guinea	<i>Isla Graciosa</i>	South Africa	Fishing inside Division 58.4.3b	Not received
<i>Typhoon I</i>	Togo	1. <i>Arctic Ranger</i> 2. <i>Rubin</i>	1. UK 2. Seychelles	Fishing inside Division 58.4.2	Not received

The above list was adopted by the Commission.

**The List of Non-Contracting Party Vessels (NCP-IUU Vessel List) for 2005 (CM 10-07):**

**Muravyev Amurskiy:** (ex Equatorial Guinea-flagged *Sea Storm*)

The Commission agreed to remove this vessel from the NCP-IUU Vessel List 2005 as the vessel has been withdrawn from Southern Ocean IUU fishing and was now operating only in Russian waters.

**North Ocean, East Ocean and South Ocean:** These vessels were moved to the CP-IUU Vessel List as they are now flagged to the People's Republic of China, which became a Contracting Party on 19<sup>th</sup> October 2006. China again reminded the Commission of its statement and the footnotes relating to its flagged vessels to the effect that these vessels were involved in IUU Activity prior to the People's Republic of China becoming a Contracting Party.

## 2.2 Improvements to port State measures

Given increasing momentum in favour of the use of port State measures in the fisheries sector at the international, regional and State level, and taking into account progress made in past years in the

context of CCAMLR to support port State controls, ASOC submitted at CCAMLR XXV a paper on “**The Use of Port State Measures to Improve Fisheries Compliance at the International Level**” (CCAMLR-XXV/BG/29).

The objective of this paper was to provide documented background on current use and increasing support for such measures, as well as to recommend to CCAMLR a number of actions to enhance the effectiveness of these mechanisms. Additional recommendations included the extension of the use of port State measures in other regional regimes, the improvement of coordination among States and among RFMOs, and progress towards a global agreement on the matter, based on the FAO Model Scheme.

Throughout debates at the Standing Committee on Implementation and Compliance (SCIC), a number of delegations insisted on the importance of strengthening the capacity of the port State to exert controls and some also considered necessary that CCAMLR offered “a more complete approach” to such measures.

One of the most significant outcomes of these debates was the amendment of Conservation Measure 10-06 and Conservation Measure 10-07 with the purpose of denying access to Contracting Party ports by IUU-listed vessels. As a result, the Commission decided to prohibit access ports by vessels included on the IUU lists of both Contracting and Non-Contracting Parties. Vessels may be allowed to enter port for emergency purposes only -or in order to be subject to enforcement actions. When entering ports, vessels shall be subject to inspection and, where possible, if illegal catch is found, it shall be confiscated. All support to such vessels shall also be denied where possible.

In addition, CCAMLR adopted a non-binding Resolution<sup>3</sup> that establishes that CCAMLR Contracting Parties shall seek the cooperation of non-Contracting Party port States when IUU fishing vessels seek to use their ports, urging them to take appropriate steps in accordance with Conservation Measure 10-07 (actions against listed vessels).

The issue of port State controls was also addressed in the context of proposals to adopt new Conservation Measures, one related to non-Contracting Parties and one to trade measures. Reference to these proposals is also made in subsection 2.4 below.

Australia put forward a draft conservation measure on combating IUU fishing in the Convention Area by the vessels of non-Contracting parties (CCAMLR-XXV/44). In this context, Australia suggested that a “non-Contracting Party IUU State List” should be established and that, for all vessels flagged to listed States, a number of specific control and enforcement measures should be adopted. Among these, Australia’s draft Conservation Measure foresaw that “vessels flagged to a State on the non-contracting Party IUU State List that enter ports voluntarily are not authorised to land or tranship therein and are inspected in accordance with Conservation Measure 10-03 on so entering.” See also subsection 2.4.2 of this report.

The European Community submitted a draft proposal for a Conservation Measure concerning the adoption of a trade measure to promote compliance (SCIC - 06/13). The proposal was based on the regime already in force at ICCAT.

In addition to providing for the possibility of import restrictions to be adopted against those countries that undermine toothfish-related conservation measures, the draft measure also reinforced reporting

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<sup>3</sup> Resolution 25/XXV on “Combating illegal, unreported and unregulated fishing in the Convention Area by the flag vessels of non-Contracting Parties”,

obligations for port States where toothfish is landed, in order to increase the information flow on vessels, fishing areas, product, and market information, in relation to toothfish catches. See also subsection 2.4.3 of this report.

## 2.3 Catch Documentation Scheme and Centralized Vessel Monitoring System

### 2.3.1 Catch Documentation Scheme

The Catch Documentation Scheme (CDS) includes the requirement that all landings and exports of toothfish be accompanied by a *Dissostichus* Catch Document (DCD) that certifies the legal origin of the catch. CCAMLR has been discussing for some years the adoption of an electronic DCD (eDCD) to exclude the possibility of forged DCDs being introduced into the market. Since 2003, a trial has been in place for the use of eDCDs and in spite of the success of these trials, CCAMLR has not yet made the use of eDCDs mandatory.

At CCAMLR XXV, there was no proposal to make the eDCD a requirement. By the time of the meeting, the US, an important import destination of toothfish products, had not yet finalized its domestic rule that will require eDCDs for all toothfish imports. The US delegation was therefore unwilling to take the lead on this issue. In general, Members have shown little interest in mandatory eDCDs.

All fishing states have at least tried the use of eDCDs. Most fishing states use eDCDs exclusively – Australia, Japan, Korea, New Zealand, Russia, South Africa, Spain, Ukraine, UK, and Uruguay. Chile and France use both paper and electronic documents. Only Peru and Argentina continue to use paper only. As of early 2007, the US will only accept eDCDs, providing an incentive for all vessels to participate.

### 2.3.2 Functioning of centralized VMS

In 2004, CCAMLR strengthened the system by establishing a centralized VMS (cVMS), by which flag States are to transmit the position of the vessels to the CCAMLR Secretariat, to allow for independent verification of vessel positioning data. Implementation of cVMS is currently uneven, since some Members are reporting VMS data simultaneously to the flag State and the Secretariat, and others are not.<sup>4</sup>

As with eDCDs, no Member State proposed specific improvements to cVMS at CCAMLR XXV. Australia stated that CCAMLR ought to require simultaneous reporting, but did not make any written proposal. As of early 2007, the US will only accept toothfish from vessels participating fully in the cVMS (simultaneous and continuous reporting), providing an incentive for all vessels to participate.

## 2.4 Other proposals related to IUU fishing

### 2.4.1 Control over Nationals

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<sup>4</sup> In the 2005/2006 season, 22 of the 31 vessels fishing for toothfish reported VMS data directly to the Secretariat (Australia, Chile, Korea, New Zealand, South Africa, Ukraine, and UK), with 14 of the 22 reporting continuously inside and outside the CCAMLR Area. None of the vessels flagged to Argentina, Japan, Norway, Russia, or Spain report data directly to the Secretariat.

CCAMLR adopted a new Conservation Measure, "Scheme to promote compliance by Contracting Party nationals with CCAMLR Conservation Measures".<sup>5</sup> This Conservation Measure makes Resolution 19/XXI binding on all CCAMLR Members. The measure requires Members to prevent their nationals from engaging in IUU fishing activities or activities that support IUU fishing, including when these nationals are on vessels registered to another State.

#### **2.4.2 IUU Flag State List**

As referred to in subsection 2.2 above, Australia proposed amending CM 10-07, the non-Contracting Party IUU Vessel List, to create a list of flag States whose vessels continue to engage in IUU fishing in the CCAMLR Area.

The measure was not agreed, but not due to opposition on its overall merits. The main argument against, put forward by Argentina, Uruguay, Japan, and even the US, was of a procedural nature, arguing that the proposal had been submitted too late and could not be considered.

Argentina and Uruguay also argued that the proposal could not go ahead without addressing a definition of IUU fishing. They stated that, for example, unregulated fishing is not always illegal.

The Commission was unable to reach consensus on the proposal, but did agree to continue to work on language intersessionally with Australia taking the lead. The Commission hopes to adopt a version of the proposal in 2007.

#### **2.4.3 Trade-related measures**

As mentioned also in subsection 2.2, the European Community submitted a draft proposal for a Conservation Measure concerning the adoption of trade measures to deter IUU fishing. The draft measure is inspired by the system of trade restrictive measures applied by ICCAT to countries that support IUU fishing for tuna.

The system as adapted to CCAMLR, gives the Commission authority to identify those flag States (Contracting and non-Contracting Parties to CCAMLR) that undermine Conservation Measures on toothfish, based on information provided by port States, the CDS, the IUU Vessel Lists, or trade statistics.

After a procedure that allows for the flag States identified to respond adequately to CCAMLR's requests for rectification, the Commission can recommend CCAMLR Contracting Parties "to take specific non-discriminatory trade restrictive measures, consistent with their international obligations and proportionate to the possible long term damage to the stocks and the ecosystems concerned".

After some discussion on this proposal, the Commission recognised that these draft measures had the potential to enhance the suite of compliance measures used to combat IUU fishing, and encouraged Members to further develop these draft measures during the intersessional period.

Following some controversy, it was finally decided that this draft measure would be appended to the Commission report, which gives those CCAMLR Members in favour of this measure better reassurance that the proposal will be seriously considered again next year.

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<sup>5</sup> CM 10-08 (2006).

#### 2.4.4 Cooperation with non-Contracting Parties

The Commission adopted Resolution 25/XXV, encouraging that non-Contracting Parties cooperate with CCAMLR by means of recognising CCAMLR Conservation Measures as the relevant standards in the area, investigating activities of vessels flying their flag, and granting permission for boarding and inspection, in addition to taking steps towards acceding to the Convention.

According to this Resolution, CCAMLR Members should also seek to cooperate with non-Contracting Party port States, particularly for the purpose of implementing CM 10-07.

#### **OUTCOME:**

- **IUU Vessel lists.** Four vessels were added to the Contracting-Party Vessel list and one vessel was withdrawn from the non-contracting Party Vessel list. Russia refused to have its vessel *Volna* added to the Contracting-Party Vessel list. The long and sometimes futile discussion over this particular vessel reflected procedural problems related to the adoption of the list.
- **Port State measures.** Significant improvements were made to CM 10-06 and CM 10-07, in order to prohibit entry into ports of CCAMLR Members to vessels included in the IUU Vessels Lists, except in situations of *force majeure*, or in order to be subject to enforcement actions.
- **eDCD.** It is still voluntary but it is used by the vast majority of fishing vessels.
- **cVMS.** Simultaneous reporting of VMS data to the flag State and the CCAMLR Secretariat remains voluntary, but strongly supported and encouraged.
- **Nationals involved in IUU fishing.** CCAMLR adopted a new Conservation Measure requiring Members to prevent their nationals from engaging in IUU fishing activities or activities that support IUU fishing.
- **Intersessional work.** The Commission encouraged Members to continue their work to create a list of IUU Flag States, based on the Australian proposal, so it can be adopted in 2007, and also to work on the EC's proposal to develop a new Conservation Measure on trade-related measures.

### 3. Precautionary Management of the Antarctic Krill Fishery

ASOC presented two papers to CCAMLR XXV on the management of krill: **Ecosystem Management of Antarctic Krill in the South Atlantic – Uncertainties and Priorities (CCAMLR-XXV/BG/26)** and **Improving Monitoring and Control of the Krill Fishery (CCAMLR-XXV/BG/27)**.

The Antarctic krill fishery is drawing increasing attention from CCAMLR, but there is still a long way to go to achieve an effective ecosystem management of this fishery that avoids irreversible impacts on krill, dependent species and the ecosystem as a whole, as mandated by Article II of the Convention. As reflected in the Scientific Committee, SCIC and the Commission discussions, there are clear signs of expansion of this fishery, and the entry of new players and flag States. The following issues were particularly relevant in the discussion:

### 3.1 Krill catch

Seven vessels from five CCAMLR countries fished for krill in the 2005/06 season. By the time of the meeting, 105,000 tonnes of krill catch had been reported, a similar amount to the one reported at the same time last season. The Scientific Committee thus estimated that the overall catch level for the 2005/06 season would remain similar to that of the previous season (around 125,000 - 130,000 tonnes).

The Scientific Committee acknowledged that there are indications that this fishery is expanding.<sup>6</sup>

### 3.2 Subdivision of krill catch limits amongst small scale management units (SSMUs) in the South Atlantic (SSMU allocation)

In 2002, endorsing advice from the Scientific Committee, CCAMLR divided the South Atlantic (Area 48) into 15 smaller units for the management of the Antarctic krill fishery (Small-Scale Management Units or SSMUs). The Scientific Committee is now given the task of providing advice on how to subdivide existing catch limits amongst SSMUs.

The on-going process towards the subdivision of catch limits is now focusing on the development of models to test the different options proposed. Thus, the six allocation options put forward in previous years were not subject to discussion at CCAMLR XXV, except for the fact that option 1 has been essentially excluded as it is believed that it would have clear negative impacts on krill predators. Under this option, the catch limit in an SSMU would have been proportional to the total catches in that SSMU. Some Members expressed the need to keep the momentum and work on this issue as a high priority for CCAMLR.

An interesting development that is related to this issue is that as a result of a re-organisation of the work of the Scientific Committee, a new Working Group will be created, the WG-SAM (Working Group on Stock Assessment Methods). This Working Group has been upgraded from the subgroup status that used to have previously.

Taking into account the importance for CCAMLR to make progress on the allocation of krill catch limits among SSMUs, Members decided that the new WG-SAM will be focusing on the development of models to test the different krill management options proposed.

The Scientific Committee welcomed a couple of events and initiatives that are planned for next year that are related to krill management, such as the krill workshop to be supported by the Lenfest Ocean Program: "Identifying and Resolving Key Uncertainties in Management Models for Krill Fisheries", that will be held at the University of California, Santa Cruz, in May 2007.

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<sup>6</sup> Notifications for fishing plans for the next season add up to a total projected catch of 368,400 tonnes, although it has to be considered that projected catch levels have not been materialized in the past.

### 3.3 Scientific observers on board krill vessels

Some progress was made at the discussion level, but CCAMLR failed to reach consensus on specific decisions regarding scientific observers in the krill fishery. The Scientific Committee for the first time was unanimous in acknowledging that increased observer coverage of the krill fishery was needed, as recommended by its two working groups, WG-EMM and WG-FSA.

Concerns over a likely rapid expansion of the fishery, the use of new technology to fish for krill, and potential problems of larval fish bycatch reinforced the need for consistent observer coverage in the fishery. In spite of this, when the issue was taken up to the Commission, consensus could not be reached on a mandatory measure to require observers on board the krill fishery.

A formal proposal for a new Conservation Measure requiring observers had been submitted by Ukraine prior to the meeting.<sup>7</sup> In the discussion, only Japan and Korea opposed to mandatory 100% coverage, with other traditionally opposed fishing nations now in favour of observers on board. In addition, both Japan and Korea stated that they were open to dialogue or even bilateral arrangements with other CCAMLR countries to put observers on board their krill vessels and provide the necessary data for management.

Special consideration was given this year to the issue of fish larval bycatch in the krill fishery. The Scientific Committee acknowledged an urgent need for information on the bycatch of juvenile and larval fish in this fishery. Standardised methodologies need to be developed for data collection on this matter by observers. A correspondence group will be working on developing these methodologies intersessionally.

### 3.4 Other Conservation Measures

CCAMLR adopted a new Conservation Measure requiring advance notification of the intention of CCAMLR Members to fish for krill in the CCAMLR Area (CM 21-03). The notification of Vanuatu (Contracting Party but not Member to the Commission) during the meeting of its intention to fish for krill in 2006/07 using five "super trawlers"<sup>8</sup> triggered the adoption of this measure, as the Vanuatu notification did not include any information on important elements such as catch projection or fishing areas, that may give an idea of the conservation implications of these fishing activities.

The new notification procedure for krill adopted by CCAMLR XXV is very important for the Scientific Committee to be able to assess trends in the krill fishery and provide adequate management advice. For that reason, the new Conservation Measure requires the notification to be filed in the Secretariat four months in advance of the Commission's annual meeting. This deadline is intended to give the WG-EMM (which meets in July each year) a chance to review the information. This measure would be applicable to the 2007/08 fishing season, and could not be applied retroactively to the current 2006/07 season (thus, it does not apply to the Vanuatu vessels).

In addition, the Conservation Measure incorporates the pro forma developed by the WG-EMM in 2003, which until now was being used by Members to provide data on a voluntary basis. The information to be provided includes number of vessels, timing and areas for planned fisheries, expected catch levels, and product information.

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<sup>7</sup> CCAMLR-XXV/BG/17.

<sup>8</sup> This was the term used in the Vanuatu letter to the Secretariat

### 3.5 Krill predators - status and monitoring

New studies on penguin populations in the South Atlantic (South Shetland and South Orkney Islands) revealed consistent declines in both Adélie and chinstrap penguin numbers over the past 20-30 years, presumably as a result of a reduction in prey availability linked to climate change.

The Scientific Committee discussed on the need to take into account climate change in the management of the krill fishery (i.e. to differentiate effects of climate change from effects of fishing), and requested CCAMLR Members to provide papers on this issue to the next WG-EMM meeting. See also subsection 6.6 of this report.

The situation of monitoring programs was briefly discussed in the context of the US AMLR Program<sup>9</sup> difficulties to continue their research activities as a result of budget restrictions. The US has been gathering krill and predator data from land-based and ship-based research projects in the area of the Antarctic Peninsula for nearly 20 years, providing key data for the development of SSMUs.

As a result of current budget restrictions, the US announced that field research may have to be terminated. As stated by the Scientific Committee, this would have serious implications for ecosystem management of krill, as monitoring of krill predators would be discontinued at a time when the fishery is expanding. Another consequence of this is that the US participation in the international krill survey (a CCAMLR project in the framework of the International Polar Year) would be cancelled. This is of particular importance since the US had originally committed ship time which is very important for the development and success of the project.

### 3.6 New technology for catching and processing krill

The new continuous system to fish and process krill has been used in the CCAMLR Area for three consecutive seasons.<sup>10</sup> The Russian delegation repeatedly expressed concerns about the potential environmental impacts associated with the new technology being used to catch and process krill.

According to Russia, these operations (which are now conducted by one Norwegian vessel) should be categorised by CCAMLR as new and exploratory fishery. The predominant view of the Scientific Committee is that this method need not be considered a new and exploratory fishery as long as adequate data is reported. Nevertheless, it was admitted that this new technology may have potential impacts particularly through the by-catch of fish larvae as well as juvenile krill.

The SC working groups (WG-EMM and WG-FSA) discussed this issue but no firm conclusions were achieved because available data did not allow a solid comparison of both fishing methods. This discussion highlighted the importance of scientific observers on board all krill fishing vessels, and improvement of data reporting protocols to allow cross-fleet comparison.

### 3.7 New entrants in the fishery

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<sup>9</sup> United States Antarctic Marine Living Resources Program.

<sup>10</sup> Under this new technology, krill is continuously brought on board from the trawl using a patented pumping system that allows for higher catch rates and reduces product deterioration.

CCAMLR has only recently started to think about how to deal with non-CCAMLR countries fishing for krill in the CCAMLR Area.<sup>11</sup> In the course of the CCAMLR XXV meeting, a notification was received by Vanuatu, and acceding State,<sup>12</sup> about its intention to introduce five “super trawlers” to fish for krill in the Southern Ocean, triggering a series of strong reactions by CCAMLR Members.

Some said that Vanuatu should be persuaded to refrain from fishing until becoming a full CCAMLR Member, while others focused on asking Vanuatu some reassurance that proper control over these operations would be applied.

It was clear from the discussion that CCAMLR has not yet solved the question whether any fishing in the Convention Area by non Members constitutes IUU fishing.<sup>13</sup> Apart from the issue of fishing by non-Members, until this year any new krill fishing operation was basically subject to no mandatory rules, and therefore there were no CCAMLR rules that could be undermined by non-Members such as Vanuatu.

As a result of the discussion, the Commission expressed its general concern over Vanuatu's krill fishing plans, and agreed that Vanuatu would be required to provide information on flag State control and the ports which would be used to land the catch.

Another important consideration in relation to this development is that, as was acknowledged by CCAMLR, if these plans go forward, the trigger level of 620,000 tonnes could be reached in a single year as a result of aggregated fishing effort.<sup>14</sup>

The possibility of a rapid increase of the krill fishery was for the first time noted unanimously by all CCAMLR bodies, reinforcing the need for more data (mainly observers) from all krill vessels. While this prompted progress on notification of fishing plans which is now mandatory, no substantive progress was made on a requirement for scientific observers.

**OUTCOME:** there are clear signs that the krill fishery is expanding, with specific concerns over the notification by Vanuatu to licence five super trawlers to fish for krill in the CCAMLR Area in the upcoming season. While some regulatory progress was made through the adoption of a new

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<sup>11</sup> In 2003/04, the krill trawler *Atlantic Navigator*, operated by Norwegian interests, started fishing for krill in the Convention Area using the Vanuatu flag. This situation continued during 2004/05. Several Members expressed their concerns over this operation and the capacity of Vanuatu to exercise control over its vessels. The *Atlantic Navigator* has been withdrawn from the krill fishery and now Norwegian krill fishing operations are conducted under the Norwegian flag. See for example, ASOC Report of CCAMLR XXIII, at 12.

<sup>12</sup> Vanuatu is an acceding State to CCAMLR, which means that they are signatories to the Convention but not Members to the Commission. They do not pay dues and do not even participate in CCAMLR meetings.

<sup>13</sup> The definition of “unregulated fishing” by the IPOA-IUU (FAO) includes fishing activities “in the area of application of a relevant regional fisheries management organization that are conducted by vessels flying the flag of a State not party to that organization, in a manner that is not consistent with or contravenes the conservation and management measures of that organization”.

<sup>14</sup> The current catch limit for krill in the Atlantic sector of the Southern Ocean (Area 48), where the fishery currently operates, is established at 4 million tonnes, subdivided into lower limits for the following Subareas: Subarea 48.1: 1,008 million tonnes; Subarea 48.2: 1,104 million tonnes; Subarea 48.3: 1,056 million tonnes; Subarea 48.4: 0.832 million tonnes. These catch limits are complemented by the provision that, if the total catch in Area 48 in any fishing season exceeds 620,000 tonnes, the limits would be subdivided into smaller management units following the advice of the Scientific Committee. This so-called “trigger level” which directs the Commission to subdivide the overall limit into smaller areas, is expected to allow proper management of krill stocks in anticipation of a rapid expansion of the fishery

Conservation Measure that makes notification of intent to fish for krill mandatory, CCAMLR failed to require mandatory observers on board the krill fishery.

The use of the new continuous technology to fish for krill deserves further attention, as well as the development of management procedures to manage krill at smaller scales (SSMU level) that adequately accounts for climate change. The creation of a new WG (WG-SAM) that will support the work of WG EMM in relation to this task is expected to contribute to making progress on krill management.

Reduction of CCAMLR Members' research programs in the South Atlantic, at a moment when the krill fishery is expanding, is also a serious concern.

#### 4. Marine Protected Areas (MPAs) and Bioregionalisation

ASOC presented the paper "Achieving a Network of Marine Protected Areas in the CCAMLR Area" (CCAMLR-XXV/BG/30).

CCAMLR XXV had a productive discussion on MPAs, although creation of specific MPAs is yet not being considered. A report from a recent workshop on Bioregionalisation of the Southern Ocean (organised by ASOC Member WWF) was well received by the Scientific Committee. This is a significant development, with the outcome of the workshop being reflected in the Scientific Committee report and briefly referenced in the Commission report.

A number of countries spoke positively about the potential contributions of MPAs to achieving CCAMLR goals, including US, UK, Russia, Japan, South Africa, Belgium and the EC. ASOC made a short statement on MPAs (based on its submitted paper) which was also reflected in the final CCAMLR XXV report.<sup>15</sup>

The next step on MPAs will be a CCAMLR / CEP<sup>16</sup> Workshop on Bioregionalisation, which will be hosted by the Belgium Government in Brussels in August 2007. Members of the Scientific Committee were encouraged to identify experts who might participate in the workshop and to submit papers addressing the following topics:

- identification and collation of relevant datasets which could be of use in the workshop analysis;
- further development of a program of work to be undertaken during the workshop;
- review of existing bioregionalisation methods and approaches;
- undertaking fine-scale bioregionalisation analysis for areas of interest, particularly areas for which data are available.

CCAMLR also supported work on the consideration of methods for selection and designation of MPAs, and encouraged submission of papers to the Scientific Committee and its working groups.

**OUTCOME:** A number of countries indicated their commitment to regional bioregionalisation or finer-scale assessment of biodiversity. The bioregionalisation process initiated in 2006 was very well taken by all CCAMLR Members. While there was no specific discussion of high seas MPAs during the

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<sup>15</sup> Just before CCAMLR XXV, the French Government had announced new MPAs for the waters around the island of Kerguelen and the Crozet Islands (located in the Convention Area). South Africa also indicated that designation of the waters of the Prince Edward Islands is still on track. These were not specifically discussed during the meeting.

<sup>16</sup> CEP<sup>16</sup> Committee for Environmental Protection (Antarctic Treaty)

Commission meeting, the need to address a number of policy issues in respect to MPAs in order to ensure that the mechanisms are in place when needed was recognised.

## 5. Marine Noise Pollution

ASOC tabled the paper “**Current noise pollution issues**” (CCAMLR-XXV/BG/31). In recent years, ASOC and SCAR<sup>17</sup> have submitted a number of papers on this issue to the meetings of CCAMLR and ATCM and usefully supported each other.

At CCAMLR XXV, discussion in the Scientific Committee was stimulated by CCAMLR’s Executive Secretary and by the Chair of the Scientific Committee (both of whom had been present for discussions of this issue at ATCM XXIX)<sup>18</sup> identifying acoustic issues as matters of relevance to CCAMLR in their Observer Reports.

As a consequence, SCAR was asked to re-table at CCAMLR the Cadiz workshop report<sup>19</sup> on noise risk that had been presented at ATCM XXIX. The Cadiz workshop made recommendations on noise pollution in the Southern Ocean, such as conduct noise evaluation in certain areas, prepare a noise map for the different areas, identifying potential overlap with cetacean distribution, and conduct research on acoustic impacts on marine mammals.

**OUTCOME:** The establishment of noise pollution as an issue of consideration within the CEP at ATCMs in recent years appears to have now stimulated genuine interest in CCAMLR. Whilst no clear commitments in relation to noise pollution were forthcoming at this meeting, there are encouraging signs of the normalisation of consideration of noise within the CCAMLR scientific community.

## 6. Other issues of interest

### 6.1 Estimates of Seabird Bycatch

Significant progress has been made in reducing seabird mortality as a result of longline fishing (toothfish) in the CCAMLR Area. For the first time no albatrosses were observed captured in longline fisheries, and only one white-chinned petrel was observed being killed in longlining in the CCAMLR Area, with the exception of the French EEZ around Crozet and Kerguelen - the total extrapolated seabird bycatch amounting to two birds. This is a significant improvement from the 2004/05 season, during which 97 birds were estimated to be killed.

In the French toothfish fishery around Crozet and Kerguelen, the total reported seabird bycatch during 2005/06 was 57 and 592 birds, respectively. The total extrapolated mortality is 2,587 birds, compared to the 4,629 birds killed in the previous season. This is still a high mortality rate, and the Scientific Committee has put forward some recommendations, including a request for more detailed information from the French toothfish longline fishery on this issue.

In relation to other fisheries, the trawl icefish fishery in Subarea 48.3 (South Georgia) killed 33 seabirds, including albatrosses and petrels, and another 89 were released alive. The mortality rate per

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<sup>17</sup> Scientific Committee on Antarctic Research

<sup>18</sup> The XXIX ATCM was held in Edinburgh in June 2006.

<sup>19</sup> The workshop on Noise Risk took place in Cadiz (Spain) in 2006.

trawl in this fishery has been reduced if compared with previous seasons.

In relation to seabird bycatch outside the CCAMLR Area, new data were provided by New Zealand and South Africa that confirm high mortality rates, which is a matter of serious concern since affected species includes some threatened with extinction.

CCAMLR has adopted a non-binding Resolution seeking improved cooperation with flag States and RFMOs to reduce seabird mortality outside the Convention Area.<sup>20</sup> The Resolution includes recommendations to reduce seabird bycatch to a series of RFMOs with which CCAMLR expects to cooperate.<sup>21</sup>

**OUTCOME:** Progress continues to be made in reducing seabird bycatch in the CCAMLR Area. A particularly significant outcome on the issue of seabird bycatch is CCAMLR's move towards increased cooperation with fishing States and RFMOs to reduce seabird mortality as a result of fishing occurring outside the CCAMLR Area, which continues to be a serious threat to albatrosses and petrels.

## 6.2 Commission for the Conservation of Southern Bluefin Tuna (CCSBT)

At the XXIV CCAMLR meeting in 2005, it was revealed that Japan had been fishing for Southern Bluefin Tuna (SBT) in the CCAMLR Area without CCAMLR authorisation, supposedly under authorisation by the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

CCAMLR XXIV drafted a letter to be sent from the CCAMLR Secretariat to the CCSBT Secretariat proposing the establishment of a joint *ad hoc* working group to begin development of joint arrangements in relation to SBT fishing in the CCAMLR Area and laying out some interim measures required by CCAMLR.<sup>22</sup>

Following receipt of CCAMLR's 2005 letter, CCSBT's Secretariat advised that the issue would be discussed at CCSBT's July meeting (a Special Meeting of the Extended Commission in Canberra), but this did not happen. Nor was it substantially discussed at CCSBT's main annual meeting (the 13th Meeting of the Commission) in October 2006 in Miyazaki.

The dominant issue for CCSBT through 2006 has been the finding that Japan has illegally taken about A\$6 billion worth of SBT over the past 20 years.<sup>23</sup>

Accordingly, no progress whatsoever was evident on the question of responsibility for management of SBT harvesting in CCAMLR waters at CCAMLR XXV. The CCAMLR Observer to CCSBT – Japan – merely reported back<sup>24</sup> to CCAMLR XXV that CCSBT “did not complete consideration” and that “no decision” had been taken.

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<sup>20</sup> Resolution 22/XXV on international actions to reduce the incidental mortality of seabirds arising from fishing.

<sup>21</sup> These RFMOs are listed in an Appendix to the Resolution and include, *inter alia*, the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the South East Atlantic Fisheries Organisation (SEAFO), the Indian Ocean Tuna Commission (IOTC), and the Commission for the Conservation of Southern Bluefin Tuna (CCSBT).

<sup>22</sup> See s12 'CCSBT' in ASOC Report on XXIV CCAMLR 2005.

<sup>23</sup> See e.g. 'Japan admits exceeding bluefin tuna catch', *The Australian*, 16 October 2006. <http://www.theage.com.au/news/national/japan-forced-to-halve-bluefin-catch/2006/10/15/116>

<sup>24</sup> CCAMLR-XXV/BG/43.

It appears unlikely that CCSBT will itself be in a position to formally consider the matter before its 14th Meeting of the Commission in October 2007, just prior to CCAMLR XXVI. Thus, even on the most positive assessment of likely rates of progress, CCAMLR and CCSBT are unlikely to be in a position to establish mechanisms for joint responsibility before their respective Commission meetings in late 2008.

Australia and New Zealand were explicit in stating that they would not take SBT in the CCAMLR Area; whereas Japan and Korea made no statement. Concern was expressed by the EU, UK and US at the failure to even commence discussion between the two organisations. This seems all the more remarkable given that CCSBT and CCAMLR both have their Secretariats in Australia.

**OUTCOME:** No progress was made on this issue. Whereas most Commission Members (and ASOC) believe that no fishing for Southern Bluefin Tuna should occur within the CCAMLR Area until CCAMLR and CCSBT have developed joint arrangements, the positions of Japan and Korea are unclear.

### 6.3 Bottom Trawling in the CCAMLR Area

The United States tabled the paper 'Bottom trawl fishing and destructive fishing practices within the CCAMLR Convention Area'.<sup>25</sup>

This paper called for no new areas to be opened to bottom trawling (with no effect on existing areas of use), but with an intention that by 2009 all bottom trawling in the Convention Area should be prohibited, unless it is demonstrated on a case-by-case basis that the activity does not have adverse impact on benthic habitats (*reversed burden-of-proof*).

This approach is one that the US is taking at other RFMOs, not just CCAMLR. The discussion at CCAMLR XXV reflected the global dimension of this debate.

Scientific Committee's advice that no new bottom trawling fisheries were proposed within CCAMLR was taken by some States as evidence that strong action was not yet necessary, although it was clear that the majority of CCAMLR Members were prepared to end the use of this technology in the Convention Area.

The European Commission in particular seemed anxious to establish beyond a shadow of a doubt that this would have no implications for pelagic trawling – a point on which they were reassured by Australia amongst others.

The Commission asked the Scientific Committee to examine bottom trawl use and criteria for ascertaining what actually constitutes "significant harm" to benthic communities.

As a result, a new Conservation Measure<sup>26</sup> was adopted establishing an interim capping of the bottom trawl fishery to existing areas (at least for the high seas parts of the Convention Area) for the 2006/07 and 2007/08 seasons while the Scientific Committee addresses these questions. The measure will be reviewed in 2007 on the basis of the best science available.

**OUTCOME:** Significant progress was made, as interim limits on the use of this fishing technology were adopted.

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<sup>25</sup> CCAMLR-XXV/BG/33

<sup>26</sup> Conservation Measure 22-05 (2006).

#### 6.4 Sharks

WG-FSA has identified up to six shark species occurring within the CCAMLR Area, of which it judges that three may occur in commercially significant quantities. Unfortunately, knowledge of these taxa and their ecological relationships is very limited.

However, evidence for shark fishing in the CCAMLR Area has recently been found. Sharks appear to be primarily targeted for fins (for Asian customary medicines and cuisine) or their livers (for customary medicines and possibly modern pharmacological use).

Whilst a new issue in the Antarctic, globally shark populations are seriously at-risk from these uncontrolled uses, particularly on the high seas, and shark-finning is exceptionally cruel.

France came to CCAMLR XXV with a proposal for a Conservation Measure prohibiting directed harvesting of sharks in the CCAMLR Area. This proposal was strongly supported by the US.

The issue was discussed at both the Scientific Committee and SCIC, and the Commission adopted a prohibition on fishing for sharks in the Convention Area, except for scientific research.<sup>27</sup>

Sharks taken as by-catch in other CCAMLR fisheries should be released alive if possible. Further, the prohibition on shark catch will continue unless and until the Scientific Committee provides advice to the Commission indicating that fishing for sharks could be safely permitted.

**OUTCOME:** Significant progress has been made. The CCAMLR Area may be the first area of the high seas where shark harvesting has been prohibited. It is therefore a very important precedent, and has been welcomed by the Shark Alliance and other NGOs not ordinarily focussed on Antarctica. IUU fishing presumably remains a risk in regards to sharks.

#### 6.5 Gillnets

Deep water gillnets have recently appeared in the CCAMLR Area. Aside a general concern that this technology is particularly non-selective, and lost gear poses significant 'ghost fishing' risks, there is some concern that gillnets may be currently in use by IUU operators. Such a use would complicate assessment of IUU catch of toothfish, in the sense that IUU catch may be significantly underestimated.

An interim ban on the use of deep water gillnets was proposed by Australia and this was agreed by the Commission.<sup>28</sup>

The use of gillnets is now only allowed for scientific research down to 100 metres, with research use below that depth needing to be agreed beforehand by the Commission. Even vessels carrying gillnets which merely transit the CCAMLR Area should advise the CCAMLR Secretariat, or they would be in breach of the newly adopted Conservation Measure.

**OUTCOME:** Significant progress was made, and an interim prohibition on the use of gillnets was adopted.

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<sup>27</sup> Conservation Measure 32-18 (2006), Conservation of Sharks.

<sup>28</sup> Conservation Measure 22-04 (2006), Interim prohibition of deep-sea gillnetting.

## 6.6 Climate change issues

ASOC has identified climate change as an important issue in the context of CCAMLR and ATCMs, but had no specific papers or recommendations for CCAMLR XXV on climate change.<sup>29</sup>

However, the ASOC paper on Ecosystem Management of Antarctic Krill drew attention to the threat to krill recruitment as a result of changes in sea ice coverage associated with warming. This is of particular importance since the potential impacts of climate change on krill have not yet been included in the development of models for krill management. The ASOC paper recommends that CCAMLR integrate uncertainties such as changes due to climate change into the management regime for krill.

There was some discussion on climate change at CCAMLR XXV, particularly during the Scientific Committee meeting, but little action was agreed.

When considering the status and trends of the krill-centric ecosystem, the Scientific Committee requested CCAMLR Members to consider what the potential effects of climate change might be on the Antarctic marine ecosystem and how this knowledge could be used to advise the Commission on the management of the krill fishery.

Members were also requested to consider how the effects of fishing might be distinguished from the effects of climate change. Submissions of papers on this issue were sought for the next meeting of WG-EMM in July 2007. See also subsection 3.5 of this report.

When considering workshops outside CCAMLR relevant to the work of WG-EMM, the Scientific Committee noted the "Climate Interactions and Ecosystem Dynamics in the Southern Ocean" (ICED), a multidisciplinary international initiative to develop a coordinated circumpolar approach to understand climate interactions in the Southern Ocean, the implications for ecosystem dynamics, the impacts on biogeochemical cycles, and the development of management procedures.

In addition, when considering MPAs, climate change was raised in relation to the bioregionalisation analysis and the need for such an analysis to be updated as new information becomes available.

When discussing cooperation with other organisations, the Scientific Committee noted that the Census of Antarctic Marine Life (CAML) is aiming to investigate the distribution and abundance of Antarctica's marine biodiversity, and how it is affected by climate change.

**OUTCOME:** The limited attention to climate change in the CCAMLR context is somewhat disappointing when recent research suggests that climate change related impacts are already beginning to have an effect on the Southern Ocean systems.

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<sup>29</sup> ASOC Member, WWF is initiating an Antarctica and Climate Change Project from 2007 for 3 years.

## V. ASOC STATEMENTS TO THE SCIENTIFIC COMMITTEE AND COMMISSION

ASOC's Statement to the Scientific Committee (presented in Spanish by Rodolfo Werner):

- Spanish version -

*Muchas gracias Señora Presidente:*

*ASOC quiere llamar la atención de este Comité sobre los 4 documentos presentados por ASOC que son relevantes para la discusión del Comité Científico. Estos documentos están relacionados con los siguientes temas: kril, áreas marinas protegidas y contaminación acústica.*

*Los números de documentos son los siguientes: CCAMLR XXV/ BG 26, 27, 30 y 31*

*ASOC comparte la preocupación expresada por algunos miembros de este comité sobre la urgencia de implementar la subdivisión del límite de captura de kril entre las unidades de ordenación más pequeñas (SSMUs), de una manera que tenga en cuenta las necesidades de los predadores de kril en cada unidad.*

*Se ha comentado en este Comité que las notificaciones de intención de pesca de kril aumentan año a año, indicando un aumento en el interés por esta pesquería por parte de los miembros de CCAMLR.*

*CCAMLR tiene ahora la gran oportunidad de considerar apropiadamente este tema antes de que las capturas sean demasiado altas, para asegurar así que se cumplen los objetivos de la Convención.*

*Esta tarea debe ser considerada prioritaria en el plan de trabajo a corto plazo del Comité Científico y sus grupos de trabajo. En este contexto, es muy importante que CCAMLR reciba información suficiente sobre la pesquería de kril, en especial a través de un programa de observadores a bordo que se aplique a todos los buques pescando kril en el Área de la Convención, esto es independientemente del tipo de método utilizado, sea el arrastre tradicional o con el uso de nuevas metodologías.*

*ASOC reconoce la importancia sobre el reciente trabajo realizado en bioregionalización del Océano Austral, y espera que este trabajo progrese de manera efectiva hacia la implementación de un manejo ecosistémico integrado en el área de la convención, incluyendo la creación de un sistema representativo de áreas marinas protegidas.*

*Finalmente, ASOC comparte la preocupación expresada por algunos de los miembros de este Comité sobre el alto e insostenible nivel de pesca IUU en la Subárea 58.4 en el Banco Banzare.*

*Muchas gracias Señora Presidente*

- English version -

*Thank you very much Madam Chair:*

*We would like to draw your attention to the 4 papers tabled by ASOC which are relevant for the SC. Papers are related to krill, marine protected areas, and marine pollution. These papers are: CCAMLR XXV BG 26/27/30 y 31.*

*ASOC shares the concern of some members of the Committee in regards to the urgency to undertake the allocation of krill catch limits among SSMUs taking into account the need for predators in each unit.*

*It has been noted at this Committee that notifications for krill fishing are increasing year after year and that shows an increase in the interest of members in the krill fishery.*

*CCAMLR now has a great opportunity to consider this issue before krill catches are too high, ensuring that the Convention objectives are met. This task should be prioritized in the short-term workplan of the Scientific Committee and its working groups. Also, enough information needs to be collected from the fishery, especially through a scientific observation program that is applied consistently to all vessels fishing for krill using both traditional and new methods.*

*ASOC welcomes CCAMLR work towards bioregionalization of the Southern Ocean and looks forward to further progress towards the full implementation of ecosystem based management in the Convention Area, including the establishment of a system of marine protected areas.*

*Finally, ASOC shares the concerns expressed by some members of this Committee over the unsustainable level of IUU fishing in Subarea 58.4, Banzare Bank.*

*Thank you very much Madam Chair*

**ASOC Statement to the Commission (presented in Spanish by Rodolfo Werner):**

**- Spanish version -**

*Muchas gracias Señora Presidente:*

*ASOC agradece la oportunidad de poder contribuir al trabajo de la Comisión en su histórico vigésimo quinto aniversario. ASOC quiere hacer referencia a 3 temas prioritarios para esta reunión.*

*En relación al kril, nos encontramos en presencia de un aumento significativo en el interés en esta pesquería por parte de varios operadores, incluyendo cinco nuevos súper-arrastreros con bandera de Vanuatu que entrarían en la pesquería del kril en la próxima temporada (ver el doc. CCAMLR XXV BG/46). ASOC comparte la preocupación expresada por varias delegaciones acerca de esta situación.*

*Especialmente, el Comité Científico ha manifestado que, de acuerdo con estas comunicaciones, el trigger level de captura de kril de 620.000 toneladas en el Atlántico Sur podría alcanzarse en un solo año. Este hecho cambia totalmente el escenario de manejo del kril antártico, ya que este nivel podría alcanzarse en la temporada 2006-07. Por lo tanto, no cabe duda de que ha llegado el momento de someter a la pesquería del kril al mismo paquete de medidas de seguimiento, control y vigilancia que se aplican a las demás pesquerías reguladas por CCAMLR.*

*ASOC felicita al Comité Científico por su recomendación en favor de una cobertura sistemática de observadores científicos aplicable a la totalidad de la pesquería del kril. Esta es la única manera de poder realizar una comparación entre los diferentes métodos de pesca utilizados para pescar y procesar el kril en relación a temas importantes como la captura incidental de larvas de peces y la mortalidad incidental de aves, lobos marinos y focas. Es esencial que la Comisión acepte ahora el consejo del Comité Científico y exija que toda la pesquería del kril mantenga observadores a bordo, de acuerdo con el sistema de observación de CCAMLR.*

*Otra prioridad para CCAMLR es la subdivisión de los límites de captura del kril entre las llamadas unidades de ordenación más pequeñas o SSMUs. Una expansión de la pesquería del kril puede causar un agotamiento localizado del kril, que tendría un alto riesgo para los predadores que dependen del kril. Es urgente que CCAMLR ponga en marcha una distribución del esfuerzo pesquero entre las unidades de ordenación pequeñas que minimice los posibles impactos sobre los predadores.*

*Nos gustaría recordar a los miembros que hay buenas razones por las que CCAMLR es conocida por muchos como la "Convención del krill". La comunidad internacional espera ahora que CCAMLR cumpla con su compromiso de proteger los recursos vivos marinos del Océano Austral.*

*ASOC esta profundamente preocupado por los niveles insostenibles de pesca IUU en el Área de la Convención. A pesar del éxito de los esfuerzos de algunos miembros en el control de las operaciones pesqueras dentro de sus Áreas Económicas Exclusivas, CCAMLR debe actuar de manera colectiva para enfrentar el problema de la pesca IUU en áreas fuera de las jurisdicciones nacionales en CCAMLR.*

*Específicamente, ASOC apoya la propuesta de establecer una lista IUU de Estados no contratantes. Los miembros de CCAMLR deben tomar acciones efectivas en contra de aquellos estados que no responden satisfactoriamente a repetidos contactos por parte de CCAMLR y sus miembros. Estas acciones deben incluir la denegación de acceso a puerto a buques con "bandera de no cumplimiento".*

*ASOC esta también preocupado por el continuo bloqueo de un miembro de CCAMLR al consenso sobre la inclusión de uno de sus buques en la lista IUU de buques de Partes Contratantes. Si un solo miembro puede evitar que CCAMLR adopte acciones contra pesqueros IUU, todo el sistema de manejo esta amenazado.*

*Por otro lado, ASOC insta a CCAMLR a fortalecer las Medidas de Conservación 10-06 y 10-07, adoptando medidas comerciales y denegando el acceso a puerto a los buques IUU. Estas medidas contribuirían a eliminar los incentivos económicos de la pesquería IUU.*

*Finalmente, ASOC quiere felicitar a CCAMLR por el progreso realizado durante el periodo inter-sesional hacia el establecimiento de una red de áreas marinas protegidas en el Área de la Convención. En concreto:*

- *Un miembro de ASOC, WWF, tuvo el honor de contribuir a un taller de expertos sobre bio-regionalización del Océano Austral, que estableció sólidos conceptos ('proof of concept') para este proceso.*
- *ASOC aplaude los planes para la realización de un taller de bio-regionalización de CCAMLR en el 2007, que desarrollara recomendaciones para el Comité Científico en CCAMLR XXVI. ASOC felicita a Bélgica por su ofrecimiento de actuar como anfitrión para este taller.*

*En relación con este tema, ASOC reconoce los progresos realizados, y al mismo tiempo hace un llamado a la Comisión para que esta identifique las especies, hábitats y ecosistemas vulnerables y sensibles presentes en el Área de la Convención, donde es necesario desarrollar medidas de manejo a un nivel "espacial" (spatial management).*

*Muchas gracias Señora Presidente*

**- English version -**

*Thank you very much Madam Chair:*

*Thank you for the opportunity to contribute to the work of the Commission for CCAMLR at its historic twenty fifth anniversary. ASOC would like to briefly address three priority issues for this meeting.*

*In relation to krill, we are now witnessing a significant upsurge of interest in the krill fishery by a number of operators, including an additional five super trawlers flagged to Vanuatu that plan to fish for krill in*

the Antarctic this coming season (see CCAMLR paper BG/46). ASOC shares the concerns expressed by many delegations about this situation.

Most importantly, the Scientific Committee has indicated that the recent developments could result in the "trigger level" of krill catch of 620,000 tonnes in the South Atlantic being reached within a single year. This has completely changed the management situation for the Southern Ocean krill fishery, as the trigger level could be reached within the 2006-07 fishing year. There can be no doubt that the time has come to subject the krill fishery to the full suite of MCS measures that are currently applied to finfish fisheries regulated by CCAMLR.

ASOC applauds the Scientific Committee's call for systematic international observer coverage for the entire krill fishery, as the only way to enable comparison of the performance of the different methods used to fish and process krill in relation to the bycatch of larval fish and incidental mortality of seabirds and seals. It is crucial that the Commission accepts the advice of the Scientific Committee and requires mandatory international observers on all vessels targeting krill according to the CCAMLR scheme.

Another priority for CCAMLR is the subdivision of krill catch limits among SSMUs. An expansion of the krill fishery can result in localized depletion of krill which poses an acute risk for dependent predators. There is an urgent need for CCAMLR to ensure that the krill fishing effort is dispersed by implementing subdivisions of krill catches among SSMUs.

We would like to remind Members that CCAMLR is called the "krill Convention" for very good reasons. The wider international community expects CCAMLR to meet its obligation to protect the marine living resources of the Southern Ocean.

ASOC is deeply concerned by the unsustainable levels of IUU fishing in the Convention Area. While efforts by some Members to control IUU fishing in their EEZs have been successful, CCAMLR needs to act now collectively to address the problem of IUU catches in the high seas areas of CCAMLR.

Specifically, ASOC strongly supports the proposal to establish a non-contracting party IUU State list. It is important that CCAMLR Members take decisive action against states that refuse to respond satisfactorily after repeated contact by CCAMLR and Member states. Actions should include denying port access to vessels flagged to non-compliant states.

ASOC is concerned that one Member is again blocking consensus on having one of its vessels listed on the Contracting Party IUU vessel list. If a single Member can prevent CCAMLR from taking proper action against IUU fishers the whole system of management is undermined.

ASOC urges CCAMLR to strengthen CMs 10-06 and 10-07 by adopting trade-related measures and by denying port access to IUU vessels. These measures will help remove the economic incentive to engage in IUU fishing.

Finally, ASOC would like to congratulate CCAMLR on the progress that has been made during the intersessional period towards establishing a network of MPAs within high seas in the Convention Area.

- An ASOC member, WWF, was pleased to help support an expert's workshop for the bioregionalisation of the Southern Ocean, which established a 'proof of concept' for the process.
- ASOC was pleased to see plans made for a CCAMLR Bioregionalisation workshop in 2007 to provide advice to the Scientific Committee at CCAMLR XXVI. ASOC congratulates Belgium for offering to host this workshop.

*While ASOC recognizes the progress made, we urge the Commission to identify sensitive and vulnerable species, habitats and ecosystems throughout the Convention Area where some form of spatial management is warranted.*

*Thank you very much Madam Chair*

## VI. ACRONYMS AND ABBREVIATIONS

AMLR	Antarctic Marine Living Resources
ATCM	Antarctic Treaty Consultative Meeting
CAML	Census of Antarctic Marine Life
CCAMLR	Convention / Commission for the Conservation of Antarctic Marine Living Resources
CCSBT	Convention for the Conservation of Southern Bluefin Tuna
CDS	Catch Documentation Scheme
CEP	Committee for Environmental Protection (Antarctic Treaty)
cVMS	Centralised Vessel Monitoring System
DCD	<i>Dissostichus</i> Catch Document
eDCD	Electronic <i>Dissostichus</i> Catch Document
EEZ	Exclusive Economic Zone
GYM	Generalized Yield Model
ICED	Climate interactions and Ecosystem Dynamics in the Southern Ocean
IUU	Illegal, Unregulated and Unreported (fishing)
IATTC	Inter-American Tropical Tuna Commission
ICCAT	International Commission for the Conservation of Atlantic Tunas
IOTC	Indian Ocean Tuna Commission
MCS	Monitoring, Control and Surveillance
MPAs	Marine Protected Areas
RFMO	Regional Fisheries Management Organization
SC	Scientific Committee
SCAR	Scientific Committee on Antarctic Research

SCIC	Standing Committee on Implementation and Compliance
SSMUs	Small Scale Management Units (krill fishery)
SBT	Southern Bluefin Tuna
SEAFO	South East Atlantic Fisheries Organisation
TAC	Total Allowable Catch
VMS	Vessel Monitoring System
WG-EMM	Working Group on Ecosystem Monitoring and Management
WG-FSA	Working Group on Fish Stock Assessment
WWF	World Wildlife Fund